

ORIGINAL

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Central District of California

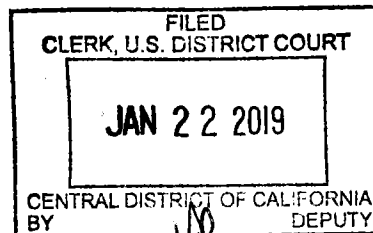
United States of America

v.

ADAU AKUI ATEM MORNYANG,

Defendant.

Case No.

19MJ 00179**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of January 21, 2019, in the county of Los Angeles in the Central District of California, the defendant(s) violated:

Code Section

49 U.S.C. § 46504;
18 U.S.C. § 113(a)(4)

Offense Description

Interference with Flight Crew
Members and Attendants; Assault by
Striking, Beating, or Wounding.

This criminal complaint is based on these facts:

Please see attached affidavit.☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date:

1/22/19City and state: Los Angeles, California

Complainant's signature

Billy L. Moffett, Task Force Officer, FBI*Printed name and title*

Judge's signature

Hon. Michael R. Wilner, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Billy L. Moffett, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint against ADAU AKUI ATEM MORNYANG ("MORNYANG") for violations of Title 49, United States Code, Section 46504 (Interference with Flight Crew Members and Attendants) and Title 18, United States Code, Section 113(a)(4) (Assault by Striking, Beating, or Wounding Within the Special Maritime Jurisdiction of the United States).

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

II. BACKGROUND OF BILLY L. MOFFETT

3. I am a United States Federal Air Marshal ("FAM") and have been so since 2010. I am currently working as a Task Force Officer ("TFO") assigned to the Federal Bureau of Investigation ("FBI"), and have been for approximately 16 months. In 2017, I

was assigned to the Los Angeles International Airport ("LAX") Office of the FBI, where I investigate violations of federal law that occur within the airport environment and onboard aircraft. Prior to becoming a FAM, I received approximately nine weeks of training at the Federal Law Enforcement Training Center, including training on arrest procedures and some violations of Titles 18 and 49 of the United States Code. In order to become a FAM, I also received approximately nine weeks of additional training, including training on defensive tactics and measures.

III. SUMMARY OF PROBABLE CAUSE

4. On January 21, 2019, flight attendant R.G. aboard United Airlines flight 99 from Melbourne, Australia, to LAX, told passenger MORNYANG to return to her seat from the rear galley, but MORNYANG refused to take her seat. MORNYANG slapped R.G. on his right cheek with her left hand. R.G. placed MORNYANG into the empty seats in row 35.

5. FAMs then approached MORNYANG, identified themselves as FAMs, and displayed their badges. FAMs escorted MORNYANG to the rear galley of the aircraft and restrained her. FAMs permitted MORNYANG to use the restroom where she remained for approximately 40 minutes. As MORNYANG left the bathroom, she dropped to the floor. FAMs attempted to place MORNYANG back in a seat when MORNYANG kicked a FAM in the chest.

IV. STATEMENT OF PROBABLE CAUSE

6. Based on my review of law enforcement reports, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

A. Passengers Complain about MORNYANG's Behavior

7. From a report prepared by FBI Special Agent ("SA") Dana Murphy regarding the interview of United Airlines flight attendant R.G., I learned that, on January 21, 2019, R.G. was working as a flight attendant on United Airlines flight 99, which had departed from Melbourne, Australia, and was headed to Los Angeles, California.

8. R.G. told SA Murphy that, during the flight, R.G. served MORNYANG two glasses of red wine. When R.G. brought MORNYANG the first glass, R.G. noticed there was already an empty red wine bottle at her seat. R.G. and another flight attendant, D.S., discussed the number of drinks MORNYANG had consumed -- approximately five or six -- and decided not to serve her any more alcohol.

9. R.G. told SA Murphy that, approximately one hour after MORNYANG drank her last glass of wine and approximately nine hours after takeoff, two passengers approached R.G. in the rear galley to report that a passenger was acting out in her seat. The passengers told R.G. that the passenger was talking to herself, screaming profanities, and waving her arms around in her seat.

B. R.G. Investigates the Complaint

10. R.G. told SA Murphy that R.G. walked to row 35, where MORNYANG was seated, to investigate the complaint. R.G. saw MORNYANG flailing her arms around and heard her screaming.

11. R.G. told SA Murphy that R.G. tried to get MORNYANG to calm down. R.G. asked MORNYANG if there was anything he could help with and explained that she needed to quiet down because other passengers were complaining about her yelling. MORNYANG said that she did not care and that she is a strong black woman. MORNYANG accused R.G. of being racist because he was not talking to any of the white passengers, and MORNYANG said that R.G. and other flight attendants were singling her out because they are all white.

12. R.G. told SA Murphy that he went to the front galley to phone the cockpit and alert the captain about the situation, but R.G. was unable to reach the captain. R.G. went up the stairs to the crew rest compartment, woke the flight purser, and informed him of the situation. When R.G. walked back down the stairs into the rear galley, MORNYANG was standing in the rear galley. R.G. told MORNYANG to return to her seat. MORNYANG did not comply.

13. R.G. told SA Murphy that MORNYANG's arms flailed around as she stumbled backwards toward the cockpit. MORNYANG hit several passengers seated in aisle seats as she walked backwards. MORNYANG yelled obscene and offensive language and

screamed. As she walked, MORNYANG leaned over into several passengers' faces and screamed profanities at them. As MORNYANG walked backwards, she removed her scarf, jacket, and shoes. By R.G.'s estimate, MORNYANG had been screaming and flailing around for approximately 15 to 20 minutes at this point.

C. MORNYANG Slaps R.G.

14. R.G. told SA Murphy that, when MORNYANG reached row 35, she refused to take her seat. MORNYANG removed her socks and threw them at nearby passengers. MORNYANG continued walking backwards and reached row 33. MORNYANG yelled at R.G. and shook her finger in R.G.'s face. MORNYANG then slapped R.G. on his right cheek with her left hand.

15. R.G. told SA Murphy that R.G. viewed the slap as intentional and thought MORNYANG was going to continue hitting him or other passengers. R.G. used both of his arms to pin MORNYANG's arms to her sides and clasped his hands behind her back to prevent her from moving her arms. R.G. placed MORNYANG into the empty seats in row 35.

D. FAMs Restrain R.G.

16. From a report prepared by FBI TFO Carlos Llamas regarding his interview of FAM Jimmy Fong, I learned that FAM Fong and FAM Jason Jay approached MORNYANG at this point. FAM Fong and FAM Jay identified themselves as FAMs and displayed their badges. FAM Fong and FAM Jay escorted MORNYANG to the rear galley of the aircraft. FAM Fong placed her in handcuffs.

17. From a report prepared by SA Murphy regarding the interview of FAM Jay, I learned that the FAMS restrained MORNYANG in the flight attendant jump seat with a seatbelt.

E. MORNYANG Kicks FAM Bolanowski

18. FAM Fong told TFO Llamas that MORNYANG was seated in the jump seat for approximately one hour when she asked to use the restroom. FAM Fong and FAM Jay escorted her to the restroom and they remained outside. Another FAM, Jeffrey Bolanowski, was also in the area. FAM Fong and FAM Jay left the door cracked open so that they could monitor MORNYANG's behavior. MORNYANG demanded that FAM Fong and FAM Jay completely close the door. When they refused, MORNYANG became verbally abusive towards FAM Jay and called him a racial slur.

19. FAM Fong told TFO Llamas that MORNYANG remained in the bathroom for approximately 40 minutes. Her behavior was erratic. At times she was belligerent, and at times she appeared to be dozing off while in the bathroom.

20. From a report prepared by FBI TFO Ellen Kuo ("TFO Kuo") regarding her interview of FAM Bolanowski, I learned that as MORNYANG left the bathroom, her body went limp and she dropped to the floor. FAM Jay reached out and grabbed onto MORNYANG's armpits to support her upper body. FAM Bolanowski bent down to put MORNYANG's feet together to assist with carrying her to a seat in the last row of the aircraft. While they were carrying MORNYANG toward the last row of the aircraft,

MORNYANG started to scream and twist her body to free herself. MORNYANG was able to free one of her legs and kicked FAM Bolanowski in his chest in the course of the struggle. The kick took the wind out of FAM Bolanowski. Once FAM Bolanowski recovered, he assisted with transporting her to the back row.

21. FAM Bolanowski told TFO Kuo that MORNYANG's disruptive behavior was the most severe he has encountered in his ten years as a FAM.

F. MORNYANG's Assault on R.G. Interfered with the Performance of R.G.'s Duties

22. R.G. told SA Murphy that MORNYANG interfered with R.G.'s duties to provide service to the rest of the passengers. R.G. stated that the flight crew was unable to use the rear galley for hours while MORNYANG was restrained in the jump seat.

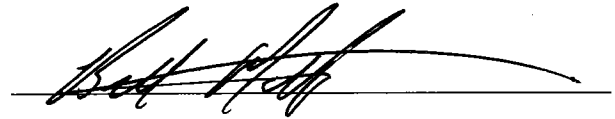
23. R.G. told SA Murphy that, approximately two hours before landing at LAX, the flight crew had the FAMs move MORNYANG out of the rear galley so that they could conduct the second meal service and prepare for landing. The flight crew moved six passengers from seats in rows 39 and 40 so that MORNYANG would not be able to hit, kick, or scream at anyone.

24. At the time of this incident, the United Airlines aircraft, which was scheduled to land in the United States, was in the special aircraft jurisdiction of the United States. United Airlines flight 99 arrived in Los Angeles, California, at

approximately 6:22 a.m. Pacific Standard Time on January 21, 2019.

V. CONCLUSION

25. For all of the reasons described above, there is probable cause to believe that MORNYANG has committed violations of Title 49, United States Code, Section 46504 (Interference with Flight Crew Members and Attendants) and Title 18, United States Code, Section 113(a)(4) (Assault by Striking, Beating, or Wounding Within the Special Jurisdiction of the United States).



Billy L. Moffett,
FBI Task Force Officer

Subscribed to and sworn before me
this 17th day of January, 2019.



UNITED STATES MAGISTRATE JUDGE